

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6645**

**BILL NUMBER:** SB 570

**NOTE PREPARED:** Dec 14, 2006

**BILL AMENDED:**

**SUBJECT:** Confined Feeding Operations.

**FIRST AUTHOR:** Sen. Jackman

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** The bill provides that local ordinances adopted after May 15, 2007, regulating confined feeding operations may not exceed the requirements of confined feeding control statutes and rules.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Summary-* The bill could impact future local ordinances regulating confined feeding operations (CFOs), including the imposition of fees and assessment of penalties.

*Background: Confined Feeding Operations* - Under state statute and rule, a CFO is a feeding operation involved in confined feeding that maintains for a minimum of 45 days at least 300 cattle, 600 sheep, 600 swine, or 30,000 fowl. Additionally, a feeding operation is considered a CFO if it violates water pollution control laws or Water Pollution Control Board rules. A feeding operation not meeting the defined criteria for a CFO may voluntarily elect to be regulated as a CFO. Approximately 2,210 regulated farms have an Department of Environmental Management (IDEM) confined feeding approval permit to conduct business.

*State Rules Regarding CFOs* - IDEM regulates CFOs in part on the distance or "setback" a proposed CFO's manure application would be from a water source. The maximum water setback under current rule is

500 feet.

*County Ordinances-* County ordinances concern the compatibility of a CFO with other property. Reviewed ordinances of three counties indicate that CFOs maintaining manure waste must operate at a minimum distance of approximately 1,300 feet from adjacent residential property lines. If a county has an ordinance regulating land use, generally an applicant for a startup feeding operation will seek approval through the county planning or zoning board before applying to IDEM for a permit to operate as a CFO.

*Local Fees and Fines-* At least one county collects a filing fee (plus public notification costs) when an applicant appeals to the zoning board for a special exemption to operate a CFO. Another county's animal waste ordinance allows for civil penalties to be assessed on violators.

**State Agencies Affected:**

**Local Agencies Affected:** Counties, municipalities.

**Information Sources:** Amy Butcher, Executive Director, Shelby County Plan Commission, 317-392-6338; William MacDaniel, Fayette County Area Plan Commission, 765-825-9808; David Neuman, Decatur County Area Plan Commission, 317-232-2554; Bowden Quinn, IDEM, 233-3835; [www.indianaeconomicdigest.net](http://www.indianaeconomicdigest.net).

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